




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Wireline Competition Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *National Cable & Telecommunications Association v. FCC & USA*, No. 07-1312.
Filing of a Petition for Review in the United States Court of Appeals for the
District of Columbia Circuit.

DATE: August 22, 2007

This is to advise you that, on August 7, 2007, the National Cable & Telecommunications Association filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit, pursuant to 47 U.S.C. § 402(a), of the following order: *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, IP-Enabled Services*, CC Docket No. 96-115 and WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927 (2007).

In the Order on review, the Commission in pertinent part required telecommunications carriers and VOIP providers to obtain affirmative customer approval, *i.e.*, opt-in, before the carriers may share customer proprietary network information (CPNI) with joint venture partners and independent contractors. Petitioner challenges the opt-in requirement as arbitrary and in violation of the First Amendment.

The Court has docketed this case as No. 07-1312. The attorney assigned to handle the litigation of this case is Joel Marcus.